

HPS-110

July 14, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **06-1640**

CHARLES M. ROBINSON

vs.

WARDEN THOMAS CARROLL, ET AL.

(D. Del. Civ. No. 04-cv-00263)

Present: CHIEF JUDGE SCIRICA, WEIS AND GARTH, CIRCUIT JUDGES

Submitted are:

- (1) By the Clerk for possible dismissal because the appeal is untimely;
- (2) Appellee Thomas Carroll's motion to dismiss appeal; and
- (3) Appellant's response to possible dismissal for untimeliness

in the above-captioned case.

Respectfully,

Clerk

O R D E R

Appellee Thomas Carroll's motion to dismiss the foregoing appeal is granted because the notice of appeal was untimely filed. A notice of appeal in a civil case must be filed within 30 days of the date that the judgment or order appealed from was entered. See Fed. R. App. P. 4(a)(1)(A). In this case, the district court entered its order dismissing appellant's complaint on March 19, 2005, but appellant did not file a notice of appeal until February 14, 2006. Accordingly, the foregoing appeal is hereby dismissed.



By the Court,

/s/Joseph F. Weis, Jr.

United States Circuit Judge

Dated: August 2, 2006

CMH/arl/cc: CMR; LB

Marcia M. Waldron

Marcia M. Waldron, Clerk